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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,525	05/23/2001	Tadashi Goino	2842.04US01	3075

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EXAMINER
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ZURITA, JAMES H

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/864,525

Applicant(s)

GOINO, TADASHI

Examiner

James H. Zurita

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions – Inventions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

<b>Group</b>	<b>Explanation</b>
<b>I</b>	including claims 1-2, 4-16, 43, 51, 93-97, 103-116, 119-121, a total of 39 claims, drawn to a method of conducting an auction for bidding off an article or a service, or a person who receives provision of an article or a service, through a network, classified in class 705, subclass 37.
<b>II</b>	including claims 3, 31, a total of two claims, drawn to a method of conducting an auction for bidding off an article or a service, or a person who receives provision of an article or a service through a network, classified in class 705, subclass 37.
<b>III</b>	Including claims 17-30, 117, a total of 15 claims, drawn to an auction method performed via a network, wherein each of bidders offers a time to a successful bid time condition set for bidding off a trade offered by a client, so that the bidders compete with the time to acquire the trade, classified in class 705, subclass 37.
<b>IV</b>	Including claims 32-42, a total of 11 claims, drawn to an auction method performed via a network, wherein each of bidders offers a position to a successful bid position condition set for bidding off a trade offered by a client, so that the bidders compete with the position to acquire the trade, classified in

Group	Explanation
	class 705, subclass 37.
<b>V</b>	Including claims 44-50, a total of 7 claims, drawn to an auction method performed via a network, wherein a client who desires a trade offers an acceptable bid condition indicated by a handling unit of an article or a service or an attribute unit representative of an attribute such as performance, nature, component and so on of said article or said service for identifying said article or said service, and each of bidders offers a numerical value indicated by said handling unit or said attribute unit such that the bidders compete with said numerical value to acquire the trade, classified in class 705, subclass 37.
<b>VI</b>	Including claims 52-60, a total of 9 claims, drawn to an auction method performed via a network, wherein a client who desires a trade offers requirements for an article or a service, and each of bidders offers, for said requirements, an evaluation numerical value capable of determining whether or not said requirements are satisfied, or converted information convertible to said evaluation numerical value such that the bidders compete with said evaluation numerical value to acquire the trade, classified in class 705, subclass 37.
<b>VII</b>	Including claims 61-75, 98-99, a total of 17 claims, drawn to an auction method performed via a network for looking for an applicant who respond to a job offer by selecting in the form of auction an applicant who can offer the response contents most suitable for responding to contents of the job offer, classified in class 705, subclass 37.

<b>Group</b>	<b>Explanation</b>
<b>VIII</b>	Including claim 76, drawn to an auction method performed via a network for trading information related to an article or a service, said auction method performed for bidding off said information or a person who provides said information, classified in class 705, subclass 37.
<b>IX</b>	Including claims 77-78, 81-92, 100-101, a total of 16 claims, drawn to an auction method performed via a network for bidding off an article or a service offered by a seller or a buyer who offers an article or a service, classified in class 705, subclass 37.
<b>X</b>	Including claims 79-80, a total of 2 claims, drawn to an auction method performed via a network for bidding off an article or a service offered by a seller or a buyer who offers an article or a service, classified in class 705, subclass 37.
<b>XI</b>	Including claim 102, drawn to an auction method performed via a network for bidding off an article or a service or a person who receives provision of an article or a service, said method comprising, upon conducting an element auction for bidding an article or a service to be traded with an element other than a price offered by bidders:, classified in class 705, subclass 37.
<b>XII</b>	Including claim 118, drawn to A position auction method performed via a network for conducting a bid in which bidders offer a position for a desired position offered by a client, so that the bidders compete with the position, classified in class 705, subclass 37.

The above inventions are related as subcombinations usable together. The subcombinations are distinct from each other if they are shown to be separately usable. See MPEP § 806.05(d).

**Inventions I and II** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention I has separate utility such as

a collection procedure in which an auction intermediary server provides information serving as a reference for bidding an article or a service to be traded, and transmits collection information to collect bids requesting to offer an element other than a price or converted information converted to said element, as an object to be bidden, to terminals through the network;

The above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter.

Restriction for examination purposes as indicated is proper.

**Inventions I and III** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention I has separate utility such as

a collection procedure in which an auction intermediary server provides information serving as a reference for bidding an article or a service to be traded, and transmits collection information to collect bids requesting to offer an element other than a price or converted information converted to said element, as an object to be bidden, to terminals through the network;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions I and IV** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention I has separate utility such as

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a collection procedure in which an auction intermediary server provides information serving as a reference for bidding an article or a service to be traded, and transmits collection information to collect bids requesting to offer an element other than a price or converted information converted to said element, as an object to be bidden, to terminals through the network;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions I and V** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention I has separate utility such as

a collection procedure in which an auction intermediary server provides information serving as a reference for bidding an article or a service to be traded, and transmits collection information to collect bids requesting to offer an element other than a price or converted information converted to said element, as an object to be bidden, to terminals through the network;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions I and VI** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention I has separate utility such as

a collection procedure in which an auction intermediary server provides information serving as a reference for bidding an article or a service to be traded, and transmits collection information to collect bids requesting to offer an element other than a price or converted information converted to said element, as an object to be bidden, to terminals through the network;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions I and VII** are related as subcombinations disclosed as usable together in a single combination.

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In the instant case, Invention I has separate utility such as

a collection procedure in which an auction intermediary server provides information serving as a reference for bidding an article or a service to be traded, and transmits collection information to collect bids requesting to offer an element other than a price or converted information converted to said element, as an object to be bidden, to terminals through the network;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions I and VIII** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention I has separate utility such as

a collection procedure in which an auction intermediary server provides information serving as a reference for bidding an article or a service to be traded, and transmits collection information to collect bids requesting to offer an element other than a price or converted information converted to said element, as an object to be bidden, to terminals through the network;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions I and IX** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention I has separate utility such as

a collection procedure in which an auction intermediary server provides information serving as a reference for bidding an article or a service to be traded, and transmits collection information to collect bids requesting to offer an element other than a price or converted information converted to said element, as an object to be bidden, to terminals through the network;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.



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**Inventions I and X** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention I has separate utility such as

a collection procedure in which an auction intermediary server provides information serving as a reference for bidding an article or a service to be traded, and transmits collection information to collect bids requesting to offer an element other than a price or converted information converted to said element, as an object to be bidden, to terminals through the network;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions I and XI** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention I has separate utility such as

a collection procedure in which an auction intermediary server provides information serving as a reference for bidding an article or a service to be traded, and transmits collection information to collect bids requesting to offer an element other than a price or converted information converted to said element, as an object to be bidden, to terminals through the network;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions I and XII** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention I has separate utility such as

a collection procedure in which an auction intermediary server provides information serving as a reference for bidding an article or a service to be traded, and transmits collection information to collect bids requesting to offer an element other than a price or converted information converted to said element, as an object to be bidden, to terminals through the network;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions II and III** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention II has separate utility such as

a collection procedure in which said server displays a bid screen for requesting an offer of an element other than a price or converted information which is converted to said element as an object to be bidden on terminals through a communication via the network;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions II and IV** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention II has separate utility such as

a collection procedure in which said server displays a bid screen for requesting an offer of an element other than a price or converted information which is converted to said element as an object to be bidden on terminals through a communication via the network;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions II and V** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention II has separate utility such as

a collection procedure in which said server displays a bid screen for requesting an offer of an element other than a price or converted information which is converted to said element as an object to be bidden on terminals through a communication via the network;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions II and VI** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention II has separate utility such as

a collection procedure in which said server displays a bid screen for requesting an offer of an element other than a price or converted information which is converted to said element as an object to be bidden on terminals through a communication via the network;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions II and VII** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention II has separate utility such as

a collection procedure in which said server displays a bid screen for requesting an offer of an element other than a price or converted information which is converted to said element as an object to be bidden on terminals through a communication via the network;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions II and VIII** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention II has separate utility such as

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a collection procedure in which said server displays a bid screen for requesting an offer of an element other than a price or converted information which is converted to said element as an object to be bidden on terminals through a communication via the network;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions II and IX** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention II has separate utility such as

a collection procedure in which said server displays a bid screen for requesting an offer of an element other than a price or converted information which is converted to said element as an object to be bidden on terminals through a communication via the network;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions II and X** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention II has separate utility such as

a collection procedure in which said server displays a bid screen for requesting an offer of an element other than a price or converted information which is converted to said element as an object to be bidden on terminals through a communication via the network;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions II and XI** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention II has separate utility such as

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a collection procedure in which said server displays a bid screen for requesting an offer of an element other than a price or converted information which is converted to said element as an object to be bidden on terminals through a communication via the network;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions II and XII** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention II has separate utility such as

a collection procedure in which said server displays a bid screen for requesting an offer of an element other than a price or converted information which is converted to said element as an object to be bidden on terminals through a communication via the network;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions III and IV** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention III has separate utility such as

a request procedure in which a server is responsive to an access from a terminal of the client to display a request screen on said terminal to prompt the client to enter request information including a time, and receives said request information from the terminal of the client;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions III and V** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention III has separate utility such as

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a request procedure in which a server is responsive to an access from a terminal of the client to display a request screen on said terminal to prompt the client to enter request information including a time, and receives said request information from the terminal of the client;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions III and VI** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention III has separate utility such as

a request procedure in which a server is responsive to an access from a terminal of the client to display a request screen on said terminal to prompt the client to enter request information including a time, and receives said request information from the terminal of the client;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions III and VII** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention III has separate utility such as

a request procedure in which a server is responsive to an access from a terminal of the client to display a request screen on said terminal to prompt the client to enter request information including a time, and receives said request information from the terminal of the client;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions III and VIII** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention III has separate utility such as

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a request procedure in which a server is responsive to an access from a terminal of the client to display a request screen on said terminal to prompt the client to enter request information including a time, and receives said request information from the terminal of the client;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions III and IX** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention III has separate utility such as

a request procedure in which a server is responsive to an access from a terminal of the client to display a request screen on said terminal to prompt the client to enter request information including a time, and receives said request information from the terminal of the client;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions III and X** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention III has separate utility such as

a request procedure in which a server is responsive to an access from a terminal of the client to display a request screen on said terminal to prompt the client to enter request information including a time, and receives said request information from the terminal of the client;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions III and XI** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention III has separate utility such as

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a request procedure in which a server is responsive to an access from a terminal of the client to display a request screen on said terminal to prompt the client to enter request information including a time, and receives said request information from the terminal of the client;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions III and XII** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention III has separate utility such as

a request procedure in which a server is responsive to an access from a terminal of the client to display a request screen on said terminal to prompt the client to enter request information including a time, and receives said request information from the terminal of the client;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions IV and V** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention IV has separate utility such as

a request procedure in which a server is responsive to an access from a terminal of the client to display a request screen on said terminal to prompt the client to enter request information including a position, and receives said request information from the terminal of the client;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions IV and VI** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention IV has separate utility such as



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a request procedure in which a server is responsive to an access from a terminal of the client to display a request screen on said terminal to prompt the client to enter request information including a position, and receives said request information from the terminal of the client;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions IV and VII** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention IV has separate utility such as

a request procedure in which a server is responsive to an access from a terminal of the client to display a request screen on said terminal to prompt the client to enter request information including a position, and receives said request information from the terminal of the client;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions IV and VIII** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention IV has separate utility such as

a request procedure in which a server is responsive to an access from a terminal of the client to display a request screen on said terminal to prompt the client to enter request information including a position, and receives said request information from the terminal of the client;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions IV and IX** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention IV has separate utility such as

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a request procedure in which a server is responsive to an access from a terminal of the client to display a request screen on said terminal to prompt the client to enter request information including a position, and receives said request information from the terminal of the client;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions IV and X** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention IV has separate utility such as

a request procedure in which a server is responsive to an access from a terminal of the client to display a request screen on said terminal to prompt the client to enter request information including a position, and receives said request information from the terminal of the client;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions IV and XI** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention IV has separate utility such as

a request procedure in which a server is responsive to an access from a terminal of the client to display a request screen on said terminal to prompt the client to enter request information including a position, and receives said request information from the terminal of the client;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions IV and XII** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention IV has separate utility such as

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a request procedure in which a server is responsive to an access from a terminal of the client to display a request screen on said terminal to prompt the client to enter request information including a position, and receives said request information from the terminal of the client;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions V and VI** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention V has separate utility such as

a request procedure in which a server is responsive to an access from a terminal of the client to display a request screen on the terminal, prompts the client to enter request information including an acceptable bid condition indicated by said handling unit or said attribute unit required for identifying an article or a service to be traded, and receives the request information including said acceptable bid condition from the terminal of the client

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions V and VII** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention V has separate utility such as

a request procedure in which a server is responsive to an access from a terminal of the client to display a request screen on the terminal, prompts the client to enter request information including an acceptable bid condition indicated by said handling unit or said attribute unit required for identifying an article or a service to be traded, and receives the request information including said acceptable bid condition from the terminal of the client

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions V and VIII** are related as subcombinations disclosed as usable together in a single combination.

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In the instant case, Invention V has separate utility such as

a request procedure in which a server is responsive to an access from a terminal of the client to display a request screen on the terminal, prompts the client to enter request information including an acceptable bid condition indicated by said handling unit or said attribute unit required for identifying an article or a service to be traded, and receives the request information including said acceptable bid condition from the terminal of the client

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions V and IX** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention V has separate utility such as

a request procedure in which a server is responsive to an access from a terminal of the client to display a request screen on the terminal, prompts the client to enter request information including an acceptable bid condition indicated by said handling unit or said attribute unit required for identifying an article or a service to be traded, and receives the request information including said acceptable bid condition from the terminal of the client

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions V and X** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention V has separate utility such as

a request procedure in which a server is responsive to an access from a terminal of the client to display a request screen on the terminal, prompts the client to enter request information including an acceptable bid condition indicated by said handling unit or said attribute unit required for identifying an article or a service to be traded, and receives the request information including said acceptable bid condition from the terminal of the client

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

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**Inventions V and XI** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention V has separate utility such as

a request procedure in which a server is responsive to an access from a terminal of the client to display a request screen on the terminal, prompts the client to enter request information including an acceptable bid condition indicated by said handling unit or said attribute unit required for identifying an article or a service to be traded, and receives the request information including said acceptable bid condition from the terminal of the client

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions V and XII** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention V has separate utility such as

a request procedure in which a server is responsive to an access from a terminal of the client to display a request screen on the terminal, prompts the client to enter request information including an acceptable bid condition indicated by said handling unit or said attribute unit required for identifying an article or a service to be traded, and receives the request information including said acceptable bid condition from the terminal of the client

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions VI and VII** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention VI has separate utility such as

a bid procedure in which said server is responsive to an access from a terminal of a bidder to display a bid screen on the terminal presenting said requirement information to prompt the bidder to enter bid information including said evaluation numerical value or said converted information, and receives bid information including said evaluation numerical value or said converted information from the terminal of the bidder

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Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions VI and VIII** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention VI has separate utility such as

a bid procedure in which said server is responsive to an access from a terminal of a bidder to display a bid screen on the terminal presenting said requirement information to prompt the bidder to enter bid information including said evaluation numerical value or said converted information, and receives bid information including said evaluation numerical value or said converted information from the terminal of the bidder

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions VI and IX** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention VI has separate utility such as

a bid procedure in which said server is responsive to an access from a terminal of a bidder to display a bid screen on the terminal presenting said requirement information to prompt the bidder to enter bid information including said evaluation numerical value or said converted information, and receives bid information including said evaluation numerical value or said converted information from the terminal of the bidder

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions VI and X** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention VI has separate utility such as

a bid procedure in which said server is responsive to an access from a terminal of a bidder to display a bid screen on the terminal presenting said requirement information to prompt the bidder to enter bid information

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including said evaluation numerical value or said converted information, and receives bid information including said evaluation numerical value or said converted information from the terminal of the bidder

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions VI and XI** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention VI has separate utility such as

a bid procedure in which said server is responsive to an access from a terminal of a bidder to display a bid screen on the terminal presenting said requirement information to prompt the bidder to enter bid information including said evaluation numerical value or said converted information, and receives bid information including said evaluation numerical value or said converted information from the terminal of the bidder

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions VI and XII** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention VI has separate utility such as

a bid procedure in which said server is responsive to an access from a terminal of a bidder to display a bid screen on the terminal presenting said requirement information to prompt the bidder to enter bid information including said evaluation numerical value or said converted information, and receives bid information including said evaluation numerical value or said converted information from the terminal of the bidder

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions VII and VIII** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention VII has separate utility such as

a **request procedure** in which a server receives **request** information including **request** contents transmitted thereto from a terminal of a solicitor as said job offer via a network from said terminal;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Inventions VII and IX are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention VII has separate utility such as

a **request procedure** in which a server receives **request** information including **request** contents transmitted thereto from a terminal of a solicitor as said job offer via a network from said terminal;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions VII and X** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention VII has separate utility such as

a **request procedure** in which a server receives **request** information including **request** contents transmitted thereto from a terminal of a solicitor as said job offer via a network from said terminal;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions VII and XI** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention VII has separate utility such as

a **request procedure** in which a server receives **request** information including **request** contents transmitted thereto from a terminal of a solicitor as said job offer via a network from said terminal;



Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions VII and XII** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention VII has separate utility such as

a **request procedure** in which a server receives **request** information including **request** contents transmitted thereto from a terminal of a solicitor as said job offer via a network from said terminal;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions VIII and IX** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention VIII has separate utility such as

an information provision **request procedure** in which an auction intermediary server displays a **request** screen for **requesting** for provision of information related to an article or a service suitable for requirements of a client on a terminal of a client, and said server receives said **request** information including requirements of the client entered on said **request** screen from the terminal of the client;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions VIII and X** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention VIII has separate utility such as

an information provision **request procedure** in which an auction intermediary server displays a **request** screen for **requesting** for provision of information related to an article or a service suitable for requirements of a client

on a terminal of a client, and said server receives said **request** information including requirements of the client entered on said **request** screen from the terminal of the client;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions VIII and XI** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention VIII has separate utility such as

an information provision **request procedure** in which an auction intermediary server displays a **request** screen for **requesting** for provision of information related to an article or a service suitable for requirements of a client on a terminal of a client, and said server receives said **request** information including requirements of the client entered on said **request** screen from the terminal of the client;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions VIII and XII** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention VIII has separate utility such as

an information provision **request procedure** in which an auction intermediary server displays a **request** screen for **requesting** for provision of information related to an article or a service suitable for requirements of a client on a terminal of a client, and said server receives said **request** information including requirements of the client entered on said **request** screen from the terminal of the client;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions IX and X** are related as subcombinations disclosed as usable together in a single combination.

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In the instant case, Invention IX has separate utility such as

an auction intermediary server displaying a **request** screen for a client who is said seller or said buyer to making a **request** on a terminal of the client to prompt the client to enter attribute information of an article or a service to be traded, required to let a trading partner know the article or the service, and said server receiving **request** information including said attribute information from the terminal of the client;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions IX and XI** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention IX has separate utility such as

an auction intermediary server displaying a **request** screen for a client who is said seller or said buyer to making a **request** on a terminal of the client to prompt the client to enter attribute information of an article or a service to be traded, required to let a trading partner know the article or the service, and said server receiving **request** information including said attribute information from the terminal of the client;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions IX and XII** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention IX has separate utility such as

an auction intermediary server displaying a **request** screen for a client who is said seller or said buyer to making a **request** on a terminal of the client to prompt the client to enter attribute information of an article or a service to be traded, required to let a trading partner know the article or the service, and said server receiving **request** information including said attribute information from the terminal of the client;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions X and XI** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention X has separate utility such as

an auction intermediary server receiving bid information including sales price information or purchase price information and a trading due date condition of an article or a service, entered by a client who is said seller or said buyer, from a terminal of the client;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions X and XII** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention X has separate utility such as

an auction intermediary server receiving bid information including sales price information or purchase price information and a trading due date condition of an article or a service, entered by a client who is said seller or said buyer, from a terminal of the client;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**Inventions XI and XII** are related as subcombinations disclosed as usable together in a single combination.

In the instant case, Invention XI has separate utility such as

a **collection procedure** in which an auction intermediary server prompts bidders to enter said element which the bidders can offer under a priority condition used in said element auction on terminals through a communication via the network to **collect** bidders;

Because the above inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

***Election/Restrictions – Species***

Should applicant elect to prosecute one of Inventions I, III, IV, V, VI, VII or XI, applicant is also required to elect a single species of the claimed invention, since these inventions contain claims directed to patentably distinct species of the claimed Invention. For applicant's convenience, the Examiner provides the reasoning relied upon for requiring election among the species. See MPEP 806.04(b), 806.04(h), 806.05(d) and others.

**[MPEP806.04(b)]** Species **\*\*>**may be either< independent **\*\*>**or< related under the particular disclosure. **>**Where species under a claimed genus are not connected in any of design, operation, or effect under the disclosure, the species are independent inventions. See MPEP § 802.01 and § 806.06.**<** Where inventions as disclosed and claimed are both (A) species under a claimed genus and (B) related, then the question of restriction must be determined by both the practice applicable to election of species and the practice applicable to other types of restrictions such as those covered in MPEP § 806.05 - § **\*>806.05(j)<**. If restriction is improper under either practice, it should not be required.

For example, two different subcombinations usable with each other may each be a species of some common generic invention. **\*\*>**If so,< restriction practice under election of species and the practice applicable to restriction between combination and subcombinations **>**must be addressed<.

**[MPEP806.04(h)]** Species must be patentably distinct from each other.

**[MPEP 806.05(d)]** Subcombinations usable together, requiring one-way distinctiveness.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations

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of an allowable generic claim as provided by 37 CFR 1.141. See also MPEP 821.04 concerning rejoinder of withdrawn claims. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

**Invention I** contains claims directed to the following patentably distinct species, drawn to different embodiments. Currently, claims 1 and 2 are generic.

Should applicant elect to prosecute Invention I, applicant is also required to elect a single species of the claimed invention, since these inventions contain claims directed to patentably distinct species of the claimed Invention.

<b>Species</b>	<b>claims</b>	<b>Species</b>	<b>claims</b>	<b>Species</b>	<b>claims</b>	<b>Species</b>	<b>claims</b>
<i>I.A</i>	1, 2	<i>I.K</i>	1, 11	<i>I.AA</i>	1, 97	<i>I.KK</i>	1, 112
<i>I.B</i>	1, 2, 4	<i>I.L</i>	1, 12	<i>I.BB</i>	1, 103	<i>I.LL</i>	1, 113
<i>I.C</i>	1, 2, 5	<i>I.M</i>	1, 13	<i>I.CC</i>	1, 104	<i>I.MM</i>	1, 114
<i>I.D</i>	1, 2, 6	<i>I.N</i>	1, 14	<i>I.DD</i>	1, 105	<i>I.NN</i>	1, 115
<i>I.E</i>	1, 2, 7	<i>I.R</i>	1, 14, 110	<i>I.EE</i>	1, 106	<i>I.OO</i>	1, 116
<i>I.F</i>	1, 2, 8	<i>I.S</i>	1, 15	<i>I.FF</i>	1, 107	<i>I.PP</i>	1, 120, 121
<i>I.G</i>	1, 2, 8, 9	<i>I.T</i>	1, 16	<i>I.GG</i>	1, 108	<i>I.PQ</i>	17, 18
<i>I.H</i>	1, 2, 51	<i>I.U</i>	1, 43	<i>I.HH</i>	1, 109	<i>I.PR</i>	17, 19, 30
<i>I.I</i>	1, 43	<i>I.V</i>	1, 93	<i>I.II</i>	1, 110		
<i>I.J</i>	1, 10	<i>I.W</i>	1, 94	<i>I.JJ</i>	1, 111		
		<i>I.X</i>	1, 95				
		<i>I.Y</i>	1, 96				

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For applicant's convenience, the Examiner will provide reasoning and basis for the species election requirement for Species I.B, I.C, I.D, I.F, I.H, and for species I.GG through I.OO.

**Species I.B, I.C, I.D, I.F, I.H.** This discussion relies on **MPEP 806.04(b)**. For example, two different subcombinations usable with each other may each be a species of some common generic invention. In Ex parte Healy, 1898 C.D. 157, 84 O.G. 1281 (Comm'r Pat. 1898), a clamp for a handle bar stem and a specifically different clamp for a seat post both usable together on a bicycle were claimed. In his decision, the Commissioner considered both the restriction practice under election of species and the practice applicable to restriction between combination and subcombinations.

From Claim 1:

- a **collection procedure** in which an auction intermediary server provides information serving as a reference for bidding an article or a service to be traded, and transmits collection information to collect bids requesting to offer an element other than a price or converted information converted to said element, as an object to be bidden, to terminals through the network;
- a **bid procedure** in which said server receives bid information including said element or said converted information offered by bidders from terminals of the bidders through communications via the network; **and**
- a **bid acceptance procedure** in which said server executes bid processing for finding a result of bidding with said element included in said bid information or an element derived by converting said converted information, based on said bid information, to select a successful bidder.

Claim 2 adds **two** divergent permutations of the **sequence of steps** of claim 1:

- a **request procedure**  
prior to said **collection procedure**, or  
between said **bid procedure** and said **bid acceptance procedure**...

Species	I.B	I.C	I.D
Claims	1, 2, 4	1, 2, 5	1, 2, 6
<b>1</b>	<b>See above</b>		
<b>2</b>			
	[from claim 4] ... <b>request procedure</b> , said server	[from claim 5] executes said <b>collection procedure</b> for providing said collection information including	[from claim 6] prior to said <b>request procedure</b> , said server collects the bidders in said [additional?] <b>collection procedure</b> , and

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Species	I.B	I.C	I.D
<b>Divergent characteristics</b> <i>[in bold]</i>	<p>prompts the client to offer desired conditions for a trade through the terminal of the client, and</p> <p>receives said <i>request information</i> additionally including said desired trade conditions from the terminal of the client;</p>	<p>information used as a reference in conducting a bid, within said <i>request information</i>, on the terminal via said network, to collect bids after said <i>request procedure</i> in which said server receives said <i>request information</i> from the terminal of the client.</p>	<p>receives an <i>advanced bid</i> for storing said bid information received from the bidder in said <i>bid procedure</i> in a database;</p> <p>after receiving said <i>advanced bid</i>, said server, upon receipt of said <i>request information</i> from the terminal of the client in said <i>request procedure</i>, executes said <i>bid acceptance procedure</i> in which said server retrieves ...;</p> <p>said server, upon receipt of information from the terminal of the client notifying that the client does not satisfy the resulting successful bid by the <i>advanced bid</i> and again requests a bid, again executes said <i>collection procedure</i> for collecting bidders in said <i>bid procedure</i> after said <i>request procedure</i>, and receives bid information from the bidders and executes said <i>bid acceptance procedure</i> in which said server executes said bid processing with said element ....</p>

**Species I.F (claims 1, 2, 8) and species I.H (claims 1, 2, 51)** contain distinct embodiments of the bid acceptance procedure.

Species	I.F	I.H
Claims	1, 2, 8	1, 2, 51
1	see above	
2		
<b>Divergent Characteristics</b> <i>...bid acceptance procedure</i>	<p>[claim 8]  ...said server executes said bid processing with said <i>element</i> in accordance with said desired trade conditions based on said bid information.</p>	<p>[claim 51]  ... said server executes said bid processing with said <i>evaluation numerical value or an evaluation numerical value calculated</i> by converting said converted information in accordance with a requirement condition derived from requirement information of the client based on said bid information</p>

**Species I.GG through I.OO** In contrast to the two permutations of step sequences noted above for species I.B, I.C and I.D, the following species are directed at **two**



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embodiments of claims 1's element **element**: "...an element other than a price **or** converted information converted to said element..."

<b>species</b>	<b>Element</b>	<b>Characteristics / properties</b>
<b>I.GG</b>	[claim 108] element <b>other than the price is</b>	an element which is not equivalent to a bid of a unit price of said article or said service.
<b>I.HH</b>	[claim 109] element <b>other than the price is</b>	an element which cannot be converted to the price.
<b>I.II</b>	[claim 110] element is	an attribute of an article or a service.
<b>I.JJ</b>	[claim 111] element is	an attribute which cannot be converted to a price of an article or a service.
<b>I.KK</b>	[claim 112] element <b>other than the price is</b>	an element other than the price, the value of which does not directly affect the price.
<b>I.LL</b>	claim 113] element is	[at least one of time, position, distance, length, area, volume, quantity, weight, and evaluation numerical value.
<b>I.MM</b>	[claim 114] element is <b>other than price and</b>	other than quantity.
<b>I.NN</b>	[claim 115] element is	time or position.
<b>I.OO</b>	[claim 116] element ... is	time, and said server executes the bid processing with the time based on said bid information in said bid acceptance procedure.

The following requirements are based on **MPEP806.04(b) and 806.05(d)**.

**Invention III** contains claims directed to the following patentably distinct species, drawn to different embodiments.

Should applicant elect to prosecute Invention III, applicant is also required to elect a single species of the claimed invention, since these inventions contain claims directed to patentably distinct species of the claimed Invention. Currently, Claims 17, 19, 22 and 23 are generic.

<b>species</b>	<b>claims</b>
<b>III.A</b>	17, 18
<b>III.B</b>	17, 19, 30
<b>III.C</b>	<b>17, 19, 20, 30</b>
<b>III.D</b>	<b>17, 19, 21, 30</b>
<b>III.E</b>	<b>17, 19, 22, 30</b>
<b>III.F</b>	17, 19, 22, 23, 30
<b>III.G</b>	17, 19, 22, 24, 117, 30
<b>III.I</b>	17, 19, 26, 30
<b>III.J</b>	17, 19, 27, 30
<b>III.K</b>	17, 19, 27, 23, 30
<b>III.L</b>	17, 19, 27, 28, 30

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For applicant's convenience, the Examiner will provide reasoning and basis for the species election requirement for Species III.C, III.D and III.E, drawn to divergent subject matter such as different embodiments directed to time and how it is calculated, determined or imposed on a party. Claims 17 and 19 read, in part:

[claim 17] An auction method ... comprising:

**a request procedure** in which a server is responsive to an access from a terminal of the client to display a request screen on said terminal to prompt the client to enter *request information* including a *time*, and receives said *request information* from the terminal of the client;

**a bid procedure** in which said server is responsive to an access from a terminal of a bidder to display a bid screen which presents said successful bid *time* condition on said terminal to prompt the bidder to enter bid information including a *time*, and receives said bid information from the terminal of the bidder; and

**a bid acceptance procedure** in which said server executes bid processing for narrowing down bidders to a successful bidder with the *times* offered by the bidders in accordance with said successful bid *time* condition based on said bid information.

[claim 19] ...said *time* is a required *time* such as a *waiting time*, a moving *time* or the like, or a due data such as a date, a *time* or the like after the lapse of said required *time*, imposed to the client;

	Species III.C	Species III.D	Species III.E
claims	17, 19, 20, 30	17, 19, 21, 30	17, 19, 22, 30
17	See above		
19			
<b>Divergent characteristics</b> <b>Required time, Waiting time</b>	[claim 20] said required time or due date as said time <b>determines</b> at least one of <b>a waiting time imposed on a client who receives</b> provision of an article or a service until the client receives the provision of the article or the service; <b>a waiting time imposed on a client who offers</b> an article or a service until the client receives a payment for the article or the service; and <b>a moving time imposed to the client who receives provision</b> of a service, required for a move to a place at which the client receives the	[claim 21] said required time or due date as said time is a <b>trade required time</b> or a <b>trade due date</b> for determining either <b>a waiting time imposed on the client</b> who receives provision of an article or a service until the client receives the provision of the article or the service or <b>a waiting time imposed on the client</b> who offers an article or a service until the client receives a payment for the article or the service; and	[claim 22] said required time is a required time necessary for a movement of a person or an object or a transportation of an object between a place specified by a person who receives the provision of the article or the service and a place specified by a person who offers the article or the service, said required time being either <b>a waiting time imposed on the client who receives</b> the provision of the article or the service until the client receives the provision of the article or the service, or <b>a moving time required</b> for a movement to the place at which the client

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	Species III.C	Species III.D	Species III.E
	provision of the service.		receives the provision of the article or the service, <b>imposed to the client</b> who receives the provision of the article or the service; and
[claim 30] said service to be traded uses a mobile body when said service is offered, said required time is a waiting time or a moving time imposed to the client when said service provider of the client and the bidder moves to a position offered by the person who receives the service in said mobile body.			

**Invention IV** contains claims directed to the following patentably distinct species, drawn to different embodiments. Currently, Claims 32, 33, 34 and 36 are generic.

Should applicant elect to prosecute Invention IV, applicant is also required to elect a single species of the claimed invention, since these inventions contain claims directed to patentably distinct species of the claimed Invention.

species	claims
IV.A	32, 41, 42
IV.B	32, 33, 41, 42
IV.C	32, 33, 35, 41, 42
IV.D	32, 33, 36, 41, 42
IV.E	32, 34, 41, 42
IV.F	32, 34, 35, 37, 41, 42
IV.G	32, 34, 35, 40, 41, 42
IV.H	32, 34, 36, 37, 41, 42
IV.I	32, 34, 36, 40, 41, 42
IV.J	32, 38, 41, 42
IV.K	32, 38, 39, 41, 42

The species are independent or distinct because they contain divergent subject matter such as:

- ...service to be traded uses a mobile body when said service is offered, said required time is a waiting time or a moving time imposed to the client when said service provider of the client and the bidder moves to a position offered by the service recipient in said mobile body (claim 41) and ...mobile body is a vehicle (claim 42).
- ...for preferentially determining as a successful bidder a bidder ... (claim 33).
- [server] calculates a ... (claim 34)
- [server] prompts the bidder to offer variation factor information including factors causing variations in said required time on said bid screen, and receives said bid information additionally including said variation factor information from the terminal of the bidder (claim 35)
- [server] acquires variation factor information including factors, **other than the distance...** (claim 36)

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- [server] acquires variation factor information including factors, ***other than the distance***... (claim 37)
- [server] **calculates a distance** ... (claim 34) and [server] acquires variation factor information including factors, ***other than the distance***, ... **to preferentially determine as a successful bidder a bidder who offers a position which more reduces said distance in accordance with said corrected distance.** (claim 40)
- [server] calculates a distance ... (claim 34) and [server] acquires variation factor information including factors, ***other than the distance***, ... (claim 37)
- [server] acquires variation factor information including factors, ***other than the distance***, ... **to preferentially determine as a successful bidder a bidder who offers a position which more reduces said distance in accordance** ... (claim 40)
- said auction method is an ***on-the-move auction method***, ... is on the move for providing a service... (claim 38)
- [server] prompts the bidder to offer ***positional variation factor information*** ... (claim 39)

**Invention V** contains claims directed to the following patentably distinct species, drawn to different embodiments. Currently, Claims 44, 45, 47 and 49 are generic.

Should applicant elect to prosecute Invention V, applicant is also required to elect a single species of the claimed invention, since these inventions contain claims directed to patentably distinct species of the claimed Invention.

species	claims
V.A	44, 45
V.B	44, 45, 46
V.C	44, 47
V.C	44, 47, 48
V.D	44, 45, 46, 47, 48
V.E	44, 49
V.F	44, 49, 50

The species are independent or distinct because they contain divergent subject matter such as:

- [server] prompts client to determine a priority order for unit (claim 45); handling unit and attribute unit (performance, nature, component)
- [server] executes each bid processing for each ***of the plurality of numerical values in multiple stages*** in an order of higher ***priority levels*** in said bid processing (claim 45)
- [server] executes said bid processing of ***said unit numerical value*** and said bid processing of said price in ***two stages*** in an order of higher priority levels in said bid processing (claim 46)
- Handling unit (claim 47) is one of quantity, weight, length, area, volume

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- **Unit** [generic] in said *request information* for which said **priority order** is determined also includes the price (claim 46)
- Attribute unit (claim 49) is one of quantity, weight, length, area, volume

**Invention VI** contains claims directed to the following patentably distinct species, drawn to different embodiments. Currently, Claims 52 and 54 are generic.

Should applicant elect to prosecute Invention VI, applicant is also required to elect a single species of the claimed invention, since these inventions contain claims directed to patentably distinct species of the claimed Invention.

species	claims
<b>VI.A</b>	52, 53
<b>VI.B</b>	52, 54
<b>VI.C</b>	52, 54, 55
<b>VI.D</b>	54, 54, 56
<b>VI.E</b>	52, 54, 57
<b>VI.F</b>	52, 54, 58
<b>VI.G</b>	52, 54, 59
<b>VI.H</b>	52, 54, 60

The species are independent or distinct because they contain divergent subject matter such as:

- The article to be traded is information desired by a client. Species VI.A
- converting said converted information in said bid information to an evaluation numerical value, and executes said bid processing with said evaluation numerical value calculated in said **evaluation procedure** in accordance with a requirement condition derived from said requirement information of the client. Species VI.B
- [evaluation procedure] identifies at least one evaluation item required to evaluate said converted information in said bid information based on said requirement information in said **request information**, and executes a numerical value evaluation for converting said converted information to a numerical value for said evaluation item. Species VI.C
- [evaluation procedure] analyzes said sentence to identify at least one said evaluation item, evaluates the converted information in said bid information to a numerical value in accordance with said evaluation item, and executes said bid processing with individual numerical values for each said evaluation item or a sum of the individual numerical values for each said evaluation item as said evaluation numerical value. Species VI.D
- [evaluation procedure] identifies said evaluation item from said key word, evaluates to a numerical value in accordance with said evaluation item based on the converted information in said bid information, and executes said bid processing with individual numerical values for each said evaluation item or a sum of the individual numerical values for each said evaluation item as said evaluation numerical value. Species VI.E

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- [evaluation procedure] stores an equation for evaluating the converted information in said bid information, and evaluates said converted information using said equation. Species VI.F
- [server] arranges said evaluation numerical values in said bid information, or said evaluation numerical values calculated by converting said converted information in said **evaluation procedure** in a priority order in accordance with said requirement condition derived from said requirement information, and transmits the result of the arrangement for display on the terminal of the client, such that the client himself views said result displayed on the screen of the terminal to select a successful bidder. Species VI.F
- client can specify a requirement level of the client, and receives **request information** including the requirement level from the terminal of the client. Species VI.G.

**Invention VII** contains claims directed to the following patentably distinct

species, drawn to different embodiments. Currently, Claims 61, 63 and 64 are generic.

Should applicant elect to prosecute Invention VII, applicant is also required to elect a single species of the claimed invention, since these inventions contain claims directed to patentably distinct species of the claimed Invention.

species	claims
<b>VII.A</b>	61, 62
<b>VII.B</b>	61, 63
<b>VII.C</b>	61, 64
<b>VII.D</b>	61, 65
<b>VII.E</b>	61, 64, 66
<b>VII.F</b>	61, 64, 67
<b>VII.G</b>	61, 64, 68
<b>VII.H</b>	61, 64, 69
<b>VII.I</b>	61, 64, 70
<b>VII.J</b>	61, 64, 71
<b>VII.K</b>	61, 64, 72
<b>VII.L</b>	61, 64, 73
<b>VII.M</b>	61, 64, 74
<b>VII.N</b>	61, 64, 75
<b>VII.O</b>	61, 62, (98 or 99)

The species are independent or distinct because they contain divergent subject matter. The collection procedures of species **VII.B**, **VII.C** and **VII.D** diverge as follows:

- a collection procedure in which said server notifies the **position** of a rescue spot when a disaster or the like occurs to ask bidders to offer bid information required to determine whether or not the bidders can arrive at the rescue spot soonest, and collects bids on the terminals of the bidders via the network. Species VII.B
- a collection procedure in which said server notifies rescue information for recognizing the **position** of a rescue spot and a victim situation to ask bidders to offer bid information required to

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determine an arrival **time** at the rescue spot and **whether or not each bidder has a rescue capability for the disaster or the like**, and collects bids to terminals of the bidder via said network. Species VII.C.

- a collection procedure in which said server displays a bid screen for displaying the rescue request contents of the requester and asking for an offer of rescue response contents which can accommodate said rescue request contents on terminals through a communication via the network to collect participation in a bid... Species VII.D

Species **VII.H** and **VII.J**, describe divergent activities:

- in said collection procedure, said server executes an arrival notice notifying that said bid screen data has arrived to terminals of persons who can be the bidders. Species VII.H
- in said collection procedure, said server collects bids in a **limited area** which is determined to be proper for a rescue from the position of the rescue requester **based on a preset area** determination condition based on the position data in said rescue request information. VII.J

In species VI.G, from claim 68:

- in said **request procedure**, said server receives video data representative of the rescue spot or the victim situation imaged by said imaging means as said **request information; and**
- in said **bid procedure**, said server transmits said video data to the terminals of the bidders to display a video image of the rescue spot or the victim situation.

**Invention IX** contains claims directed to the following patentably distinct species, drawn to different embodiments. Currently, Claims 77, 81 and 87 are generic.

Should applicant elect to prosecute Invention IX, applicant is also required to elect a single species of the claimed invention, since these inventions contain claims directed to patentably distinct species of the claimed Invention.

species	claims
<b>IX.A</b>	77, 78, 87, (88 or 89 or 90), 92
<b>IX.B</b>	77, 81, 87, (88 or 89 or 90), 92
<b>IX.C</b>	77, 81, (82 or 83), 87, (88 or 89 or 90), 92
<b>IX.D</b>	77, 84, 85, 86, 87, (88 or 89 or 90), 92
<b>IX.E</b>	77, 85, 87, (88 or 89 or 90), 92
<b>IX.F</b>	77, 87, (88 or 89 or 90), 91, 92
<b>IX.D</b>	77, 87, (88 or 89 or 90), 92, 100
<b>IX.E</b>	77, 87, (88 or 89 or 90), 92, 101

The species are independent or distinct because they contain divergent subject matter such as:

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- ... a **scheme** which executes each bid processing for each of the plurality of elements in order from elements assigned higher priority levels by the client in a time series manner in series to narrow down to a successful bidder in multiple stages. Species IX.C.
- a bidding **scheme** by which the bidder bids on said bid screen forces the bidder to offer or select in the form of a combination of a trading due date and a price... Species IX.F.
- a **scheme** which executes each bid processing for each of said plurality of elements in a time series manner in series based on said bid information;
- a **scheme** which executes each bid processing for each of said plurality of elements in a time series manner in parallel;
- a **scheme** which executes the bid processing with a numerical value which totally evaluates said plurality of elements; **and**
- a **scheme** which divides said plurality of elements into a plurality of sets and combines at least two of said three **schemes**, as a **scheme** for determining a priority order of respective bidders in said bid processing. Species IX.B and IX.C.

### ***Conclusion to Election/Restrictions – Species***

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. See also MPEP 821.04 concerning rejoinder of withdrawn claims. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record



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showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

***Conclusion to Office Action***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogesh Garg can be reached on 571-272-6756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**James Zurita**  
**Patent Examiner**  
**Art Unit 3625**  
28 April 2006

*James Zurita*  
*Patent Examiner*  
*Art 3625*